

**Federal Defenders
OF NEW YORK, INC.**

Southern District
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Southern District of New York
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April 18, 2020

BY ECF

The Honorable Jesse M. Furman
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

**RE: United States v. Kenneth Garcia
19 Cr. 793 (JMF)**

Dear Judge Furman:

I write regarding the upcoming status conference in the above-captioned case scheduled for 3:30 p.m. on Monday, May 4, 2020. The defense respectfully requests a 45-day adjournment of the status conference, to which the government does not object. This continuance is in the interests of justice because it will allow the parties to continue negotiating the terms of Mr. Garcia's anticipated guilty plea, including the calculation of a stipulated Guidelines range that depends on my inspection of discovery materials that are in the physical possession of Homeland Security Investigations. Due to the COVID-19 pandemic and the restrictions on intra-city travel and social contact, the defense anticipates that it will require this additional time in order to review and digest these materials. The defense does not object to excluding this new period of delay from the time limits set forth in the Speedy Trial Act. See 18 U.S.C. § 3161(h)(7)(a).

Application GRANTED. The pretrial conference is ADJOURNED to June 24, 2020, at 3:30 p.m. Time is excluded in the interests of justice to allow the defendant and counsel adequate time to inspect the discovery materials in the physical possession of HSI. Should the defendant decide to plead guilty, counsel should write the Court and be prepared to address the idea of having the Probation Department begin preparation of the Presentence Investigative Report immediately - on the theory that

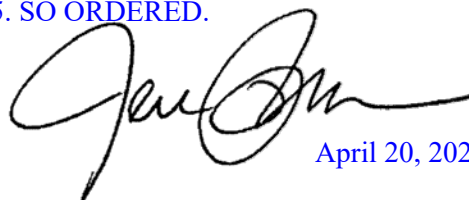
Respectfully Submitted,

/s/

Andrew J. Dalack, Esq.
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Counsel for Kenneth Garcia

Cc (via ECF): AUSA Michael Herman

the Defendant could enter a guilty plea at any time up until the date of sentencing with no delay in the overall schedule. The Clerk of Court is directed to terminate ECF No. 15. SO ORDERED.



April 20, 2020